

Remarks

Restriction Requirement

In the Action mailed March 11, 2009, the Examiner restricted the application to the following Groups of claims:

Group I - Claims 1-5, 6, 8 and 17 (in part), drawn to methods for predicting the likelihood that an individual will develop multiple sclerosis by assaying for a mutation at position 226 of the nucleic acid encoding CD24;

Group II - Claims 2, 3-5, 9 and 18 (in part), drawn to methods for predicting the likelihood that an individual will develop multiple sclerosis by assaying for a mutation at position 1110 of the nucleic acid encoding CD24;

Group III - claim 7 (in part), drawn to methods for predicting the likelihood that a subject diagnoses with multiple sclerosis will experience a rapid progression of multiple sclerosis by assaying for a deletion of nucleotides 1580 and 1581 in the nucleic acid encoding CD24;

Group IV - claims 10 and 12-16 (in part), drawn to methods for predicting the likelihood that an individual will develop multiple sclerosis by assaying for the level of cell surface expression of CD24, wherein an increase in expression of CD24 is correlated with the presence of a thymidine at position 226 of the nucleic acid encoding CD24; and

Group V - claims 11 and 12-16 (in part), drawn to methods for predicting the likelihood that an individual will develop multiple sclerosis by assaying for the level of cell surface expression of CD24, wherein an increase in expression of CD24 is correlated with the presence of guanine at position 1110 of the nucleic acid encoding CD24.

Election and Traverse

In response to the restriction requirement, Applicant hereby provisionally elects Group III, claim 7, with traverse.

The Examiner has asserted that unity of invention is absent because there is not a special technical feature linking the different groups of claims, and that the groups do not share a common function or activity. Applicant respectfully disagrees. The special technical feature linking the claims is not CD24 itself, but rather polymorphic forms of CD24. Furthermore, all of these polymorphic forms of CD24 possess the activity of resulting in an increased likelihood that

the subject will develop multiple sclerosis if present. Applicant further notes that the Written Opinion of the International Search Authority found that Unity of Invention was present for these claims in WO 2005054810, from which the present application was filed as a National Stage application. Accordingly, because the claims possess unity of invention for the reasons provided above, Applicant respectfully requests that the restriction of the claims into Groups I-V be withdrawn.

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Respectfully submitted,
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